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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,466	02/19/2004	Alan Scott Florschuetz	085804-015201	4843

76058 7590 10/26/2010

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EXAMINER	
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ART UNIT	PAPER NUMBER
2172	

NOTIFICATION DATE	DELIVERY MODE
10/26/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/782,466	FLORSCHUETZ ET AL.	
	Examiner	Art Unit	
	OMAR ABDUL-ALI	2172	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 July 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26,28-45 and 47* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26, 28-45, and 47* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application.
6) ☐ Other: _____.

DETAILED ACTION

This action is in response to the Request for Continued Examination (RCE) filed July 29, 2010. Amended Claims 1-26, 28-45, and 47 are pending and have been considered below.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-5, 17-20, 33, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vijayan et al. (US 6,535,888) in view of Patel et al. (US 2004/0103024), further in view of Hegde (US 2002/0129089) and further in view of Fullerton et al. (US 2001/0033296).

Claim 1: Vijayan discloses a method comprising generating a first phase of a single multiphase advertisement, (Figure 7C), and generating a second phase of the single multiphase advertisement in which the graphical interface has a second dimension that is different from the first dimension of the first phase (Figure 7D; column 9, lines 43-62). Vijayan does not explicitly disclose the multiphase advertisement comprises dimension information. Patel discloses a similar method that further discloses banner ads are defined by dimension information (paragraphs 409-412). Therefore, it would have been

obvious to one having ordinary skill in the art at the time the invention was made to include dimension information in a multiphase advertisement in Vijiayan. One would have been motivated to include dimension information in order to render banner ad content in a browser. Vijayan discloses support for rich media formats, such as vector graphics or video, in creating site previews (column 5, lines 54-67), but does not explicitly disclose the multiphase advertisement includes a streaming media component and a second phase including a streaming media component space so that the streaming media component is made available to play the streaming media content in the second phase of the multiphase advertisement's graphical interface. However, it would have been obvious to a skilled artisan to include streaming media in an advertisement. Hegde discloses a similar method that further discloses playing rich media presentations within a banner ad (paragraph 113). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a streaming media component in Vijayan, for the purpose of providing rich media presentations.

Vijayan does not explicitly disclose building a streaming media component using a software engine in accordance with a predefined design of the multiphase advertisement's graphical interface by which at least a set of core media player variables and a set of core media player controls are predefined, the streaming media component including a link to streaming media content. Fullerton discloses a similar method for an interactive graphical user interface including a streaming media component and method and system of producing the same that further discloses using

the QuickTime 4.0 media engine to build a streaming media component with a predefined design including media player variables (size of window) and media player controls (play, pause) are predefined, including a link (hotspot) to streaming media content (page 4, paragraph 43/page 5, paragraph 49/page 9, paragraphs 181-183). The CMovieWnd object is the interface (window/controls) for the movie itself. The CMovieWnd object functions as the central window. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to build a streaming media component using a software engine in accordance with a predefined design of the multiphase advertisement's graphical interface by which at least a set of core media player variables and a set of core media player controls are predefined, the streaming media component including a link to streaming media content in Vijayan. Using the known technique of building a streaming media component using a software engine by which variables and controls are predefined, the streaming media component including a link to streaming content in Vijayan, would have been obvious to one of ordinary skill.

Claim 2: Vijayan, Patel, Hegde, and Fullerton disclose a method, and Hegde further discloses the content to be played via the streaming media component is streaming video (paragraph 113). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to play streaming video in Vijayan, for the purpose of providing rich media presentations.

Claim 3: Vijayan, Patel, Hegde, and Fullerton disclose a method, and Hegde further discloses the content to be played via the streaming media component is streaming audio (paragraph 41). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include streaming audio in Vijayan, for the purpose of providing rich media presentations.

Claim 4: Vijayan, Patel, Hegde, and Fullerton disclose a method as in Claim 1 above, and Vijayan further discloses the first graphical interface is an animated display (paragraph 41).

Claim 5: Vijayan, Patel, Hegde, and Fullerton disclose a method as in Claim 4 above, and Vijayan further discloses the first graphical interface uses vector based graphics (column 5, lines 54-67).

Claim 17: Vijayan, Patel, Hegde, and Fullerton disclose a method as in Claim 1 above, and Fullerton further discloses the set of media player variables includes a video size (page 9, paragraph 181). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a video size in the set of media player variables in Vijayan. Using the known technique of including video size in the set of media player variables in the media component in Vijayan would have been obvious to one of ordinary skill.

Claim 18: Vijayan, Patel, Hegde, and Fullerton disclose a method as in Claim 1 above, and Vijayan further discloses the set of media player variables includes a stream bandwidth (column 6, lines 13-25).

Claim 19: Vijayan, Patel, Hegde, and Fullerton disclose a method as in Claim 1 above, and Fullerton further discloses the set of player controls includes a play control and a stop control (page 9, paragraph 182). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a play control and a stop control in the set of player controls in Vijayan. Using the known technique of including play and stop controls in a set of player controls in the media component of Vijayan would have been obvious to one of ordinary skill.

Claim 20: Vijayan, Patel, Hegde, and Fullerton disclose a method as in Claim 1 above, and Hegde further discloses the streaming media content is remotely stored on a streaming server, and wherein the streaming media component includes a stream identifier that is passed to the streaming server to retrieve the streaming media content (paragraph 75). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to store streaming media content remotely on a server in Vijayan. Using the known technique of storing content remotely on a server would have been obvious to one of ordinary skill.

Claim 33: Vijayan discloses a system comprising software permitting the generation of a first phase and a second phase of a single multiphase interactive graphical advertisement, the first phase having a first graphical dimension and the second phase having a second graphical dimension wherein the first graphical dimension and the second graphical dimension are different and are defined by the dimension information (Figures 7C, 7D). Vijayan does not explicitly disclose the multiphase advertisement comprises dimension information. Patel discloses a similar method that further discloses banner ads are defined by dimension information (paragraphs 409-412). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include dimension information in a multiphase advertisement in Vijayan. One would have been motivated to include dimension information in order to render banner ad content in a browser. Vijayan discloses support for rich media formats, such as vector graphics or video, in creating site previews (column 5, lines 54-67), but does not explicitly disclose the multiphase advertisement includes a streaming media component and a second phase including a streaming media component space so that the streaming media component is made available to play the streaming media content in the second phase of the multiphase advertisement's graphical interface. However, it would have been obvious to a skilled artisan to include streaming media in an advertisement. Hegde discloses a similar method that further discloses playing rich media presentations within a banner ad (paragraph 113). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to

include a streaming media component in Vijayan, for the purpose of providing rich media presentations.

Vijayan does not explicitly disclose a player engine for incorporating the streaming media component into the streaming media component space of the second phase, the player engine including a core set of media player variables and a core set of media player controls for customizing the streaming media component, so that the streaming media component is made available to experience streaming media content in the second phase of the multiphase graphical advertisement. Fullerton discloses a similar method for an interactive graphical user interface including a streaming media component and method and system of producing the same that further discloses using the QuickTime 4.0 media engine to build a streaming media component with a predefined design including media player variables (size of window) and media player controls (play, pause) are predefined, including a link (hotspot) to streaming media content (page 4, paragraph 43/page 9, paragraphs 181-183). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a player engine for incorporating the streaming media component into the streaming media component space of the second phase, the player engine including a core set of media player variables and a core set of media player controls for customizing the streaming media component, so that the streaming media component is made available to experience streaming media content in the second phase of the multiphase graphical advertisement in Vijayan. Using the known technique of using a player engine for incorporating the streaming media component into the streaming

media component space of the second phase, the player engine including a core set of media player variables and a core set of media player controls for customizing the streaming media component, so that the streaming media component is made available to experience streaming media content in the second phase of the multiphase graphical advertisement in the interface of Vijayan would have been obvious to one of ordinary skill.

Claim 47: Vijayan, Patel, Hegde, and Fullerton disclose a single interactive advertisement as in Claim 1 above, and Vijayan further discloses the second phase is triggered by a mouse click on the first graphical phase (column 9, lines 43-62). Hegde discloses a similar method that further discloses displaying a hover scene in response to a user passing a mouse through the banner ad space (paragraph 46). It would have been obvious to one having ordinary skill in the art at the time the invention was made to trigger a second phase by moving a cursor over the first phase of Vijayan, for the purpose of providing an interactive graphical control.

3. Claims 6-16 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Vijayan et al. (US 6,535,888) in view of Patel et al. (US 2004/0103024), further in view of Hegde (US 2002/0129089), further in view of Fullerton et al. (US 2001/0033296), and further in view of Katinsky et al. (US 6,452,609).

Claim 6: Vijayan, Patel, Hegde, and Fullerton disclose a method as in Claim 1 above, and Fullerton further discloses a toolbar in the graphical interface (page 9, paragraph 82). However, Vijayan does not explicitly disclose the toolbar includes a link to trigger the second phase. Katinsky discloses a similar method for an interactive graphical user interface including a streaming media component and method and system of producing the same that further discloses clicking on a button on a media object indicator on a banner that causes the video clip to be played immediately in the media player component (column 8, lines 10-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a link to trigger the second phase in the interface in Vijayan. Using the known technique of including a link to trigger a second phase in Vijayan would have been obvious to one of ordinary skill.

Claim 7: Vijayan, Patel, Hegde, Fullerton and Katinsky disclose a method as in Claim 6 above, and Katinsky further discloses the link to trigger the second phase also launches the streaming media component (column 8, lines 10-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to launch the streaming media component with the link to trigger the second phase in Vijayan Using the known technique of launching a streaming media component with a link to trigger the second phase in the interface in Vijayan would have been obvious to one of ordinary skill.

Claim 8: Vijayan, Patel, Hegde, Fullerton and Katinsky disclose a method as in Claim 6 above, and Katinsky further discloses the multiphase advertisement relates to a motion picture and wherein the toolbar includes at least a link to a trailer of the motion picture (Figure 8A). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to relate the multiphase advertisement to a motion picture and include a link to a trailer of the motion picture in Vijayan, because relating the multiphase advertisement to a motion picture and including a link to a trailer was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 9: Vijayan, Patel, Hegde, Fullerton and Katinsky disclose a method as in Claim 6 above, and Katinsky further discloses the multiphase advertisement relates to a motion picture and wherein the toolbar includes at least a link to still images of scenes from the motion picture (Figure 9b/column 8, lines 1-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to relate the multiphase advertisement to a motion picture and include a link to still images of scenes from the motion picture in Vijayan, because relating the multiphase advertisement to a motion picture and including a link to other multimedia content was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 10: Vijayan, Patel, Hegde, Fullerton and Katinsky disclose a method as in Claim 6 above, and Katinsky further discloses the multiphase advertisement relates to a motion picture and wherein the toolbar includes a link to a streaming video of scenes

from the motion picture (Figure 9b/column 8, lines 1-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to relate the multiphase advertisement to a motion picture and include a link to streaming video of scenes from the motion picture in Vijayan, because relating the multiphase advertisement to a motion picture and including a link to other multimedia content was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 11: Vijayan, Patel, Hegde, Fullerton and Katinsky disclose a method as in Claim 6 above, and Katinsky further discloses the multiphase advertisement relates to a motion picture and wherein the toolbar includes a link to a streaming video of interviews of actors or actresses from the motion picture (Figure 9b/column 8, lines 1-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to relate the multiphase advertisement to a motion picture and include a link to streaming video of interviews of actors or actresses from the motion picture in Vijayan, because relating the multiphase advertisement to a motion picture and including a link to other multimedia content was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 12: Vijayan, Patel, Hegde, Fullerton and Katinsky disclose a method as in Claim 6 above, and Vijayan further discloses the multiphase advertisement relates to a motion picture and wherein the toolbar includes a link to an interactive interface for purchasing tickets to view the motion picture at a theater (Figure 9b/column 8, lines 1-20).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to relate the multiphase advertisement to a motion picture and include a link to an interactive interface for purchasing tickets to view the motion picture at a theater in Vijayan, because relating the multiphase advertisement to a motion picture and including a link to other multimedia content was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 13: Vijayan, Patel, Hegde, Fullerton and Katinsky disclose a method as in Claim 6 above, and Katinsky further discloses the toolbar includes at least a link to content about the subject of the multiphase advertisement (column 8, lines 10-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a link to content about the subject of the multiphase advertisement in Vijayan. The technique of including a link to content about the subject of the multiphase advertisement was recognized as part of the ordinary capabilities of one skilled in the art at the time the invention was made.

Claim 14: Vijayan, Patel, Hegde, Fullerton and Katinsky disclose a method as in Claim 6 above, and Katinsky further discloses the toolbar includes at least a link to an interactive form for contacting a second user about the subject of the multiphase advertisement (column 5, lines 55-61). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include at least a link to an interactive form for contacting a second user about the subject of the

multiphase advertisement in Vijayan, because including a link to an interactive form for contacting a second user about the subject of the multiphase advertisement was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 15: Vijayan, Patel, Hegde, Fullerton and Katinsky disclose a method as in Claim 14 above, and Katinsky further discloses the interactive form includes a field for inputting an electronic mail address of the second user (column 5, lines 55-61). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a field for inputting an electronic mail address of the second user in Vijayan, because including a field for inputting an electronic mail address of a second user was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 16: Vijayan, Patel, Hegde, Fullerton and Katinsky disclose a method as in Claim 15 above, and Katinsky further discloses upon submission of the interactive form, an electronic mail is transferred to the electronic mail address of the second user with information about the subject of the multiphase advertisement (column 5, lines 55-61). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to send an email to the email address of the second user with information about the subject of the multiphase advertisement in Vijayan, because sending an email to the email address of a second user with information about the

subject of the multiphase advertisement was recognized as part of the ordinary capabilities of one skilled in the art.

4. Claims 21-24, 34, 39, 40 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Vijayan et al. (US 6,535,888) in view of Patel et al. (US 2004/0103024), and further in view of Hegde (US 2002/0129089).

Claim 21: Vijayan discloses a method comprising providing a first phase of a graphical interface and including at least a first interactive component for triggering a second phase, the graphical interface having a first dimension in the first phase (Figure 7C), and providing a second phase that is launched in response to interaction with the first interactive component in the second phase the graphical interface having a second dimension that is different than the first dimension of the graphical interface (Figure 7D; column 9, lines 43-62). Vijayan does not explicitly disclose the multiphase advertisement comprises dimension information. Patel discloses a similar method that further discloses banner ads are defined by dimension information (paragraphs 409-412). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include dimension information in a multiphase advertisement in Vijiayan. One would have been motivated to include dimension information in order to render banner ad content in a browser. Vijayan discloses support for rich media formats, such as vector graphics or video, in creating site previews (column 5, lines 54-67), but does not explicitly disclose the multiphase

advertisement includes a streaming media component and a second phase including a streaming media component space so that the streaming media component is made available to play the streaming media content in the second phase of the multiphase advertisement's graphical interface. However, it would have been obvious to a skilled artisan to include streaming media in an advertisement. Hegde discloses a similar method that further discloses playing rich media presentations within a banner ad (paragraph 113). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a streaming media component in Vijayan, for the purpose of providing rich media presentations.

Claim 22: Vijayan, Patel, and Hegde disclose a method as in Claim 21 above, and Vijayan further discloses the first interactive component is a dynamic vector graphic (column 9, lines 43-62).

Claim 23: Vijayan, Patel, and Hegde disclose a method as in Claim 21 above, and Hegde further discloses the first interactive component is an embedded streaming graphic (column 9, lines 43-62).

Claim 24: Vijayan, Patel, and Hegde disclose a method as in Claim 21 above, and Patel further discloses the first interactive component is a hyperlink (column 12, lines 46-55).

Claim 34: Vijayan discloses a single multiphase advertisement, comprising a first phase comprising a graphical interface and a second phase having a dimension that is different than a dimension of the first phase (Figure 7C, 7D), wherein the second phase of the single multiphase advertisement is triggered by an action performed on the first phase of the single multiphase interactive advertisement (column 9, lines 43-62; Clicking the banner ad expands the banner to the site feature). Vijayan does not explicitly disclose the multiphase advertisement comprises dimension information. Patel discloses a similar method that further discloses banner ads are defined by dimension information (paragraphs 409-412). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include dimension information in a multiphase advertisement in Vijayan. One would have been motivated to include dimension information in order to render banner ad content in a browser. Vijayan discloses support for rich media formats, such as vector graphics or video, in creating site previews (column 5, lines 54-67), but does not explicitly disclose the multiphase advertisement includes a streaming media component and a second phase including a streaming media component space so that the streaming media component is made available to play the streaming media content in the second phase of the multiphase advertisement's graphical interface. However, it would have been obvious to a skilled artisan to include streaming media in an advertisement. Hegde discloses a similar method that further discloses playing rich media presentations within a banner ad (paragraph 113). Therefore, it would have been obvious to one having

ordinary skill in the art at the time the invention was made to include a streaming media component in Vijayan, for the purpose of providing rich media presentations.

Claim 39: Vijayan, Patel, and Hegde disclose a single interactive advertisement as in Claim 34 above, and Vijayan further discloses the second phase is triggered by a mouse click on the first graphical phase (column 9, lines 43-62). Hegde discloses a similar method that further discloses displaying a hover scene in response to a user passing a mouse through the banner ad space (paragraph 46). It would have been obvious to one having ordinary skill in the art at the time the invention was made to trigger a second phase by a mouse over of the first phase of Vijayan, for the purpose of providing an interactive graphical control.

Claim 40: Vijayan, Patel, and Hegde disclose a single interactive advertisement as in Claim 34 above, and Vijayan further discloses the second phase is triggered by a mouse click on an area of the first graphical interface of the first phase (column 9, lines 43-62).

5. Claim 25, 26, 28-32, 35-38, 41, and 42 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Vijayan et al. (US 6,535,888) in view of Patel et al. (US 2004/0103024), further in view of Hegde (US 2002/0129089) and further in view of Katinsky et al. (US 6,452,609).

Claim 25: Vijayan, Patel, and Hegde disclose a method as in Claim 21 above, however the references do not explicitly disclose the first interactive component is a button having a graphic. Katinsky discloses a similar system that further discloses the first interactive component is a button having a graphic (column 8, lines 1-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a button having a graphic as the first interactive component in Vijayan, because providing a button having a graphic as the first interactive component was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 26: Vijayan, Patel, and Hegde disclose a method as in Claim 21 above, and Katinsky further discloses the first interactive component is a graphical toolbar including at least one hyperlink for triggering a second phase graphical interface of the multiphase advertisement (column 8, lines 1-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a graphical toolbar including at least one hyperlink for triggering a second phase graphical interface of the multiphase advertisement in Vijayan, because providing a graphical toolbar including at least one hyperlink for triggering a second phase graphical interface of the multiphase advertisement as the first interactive component was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 28: Vijayan, Patel, and Hegde disclose a method as in Claim 21 above, and Hegde further discloses the streaming media component includes a link to streaming

video content (paragraph 78). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a link to streaming video content in Vijayan, for the purpose of providing rich media presentations.

Claim 29: Vijayan, Patel, and Hegde disclose a method as in Claim 21 above, and Katinsky further discloses the streaming media component includes a link to streaming audio content (column 4, lines 50-65). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a link to streaming audio content in the streaming media component in Vijayan, because including a link to streaming audio content in a streaming media component was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 30: Vijayan, Patel, and Hegde disclose a method as in Claim 21 above, but the references do not explicitly disclose the first phase graphical interface further comprises a graphical toolbar enabling a user to access additional advertisement information. Katinsky discloses a similar system that further discloses a graphical interface including a toolbar which enables user to access additional information (column 8, lines 1-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a graphical toolbar enabling a user to access additional advertisement information in the first phase graphical interface in Vijayan, because including a graphical toolbar enabling a user to access additional

advertisement information in the first phase graphical interface was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 31: Vijayan, Patel, Hegde, and Katinsky disclose a method as in Claim 30 above, and Katinsky further discloses the graphical toolbar includes one ore more hyperlinks (column 8, lines 1-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include one or more hyperlinks in the graphical toolbar in Vijayan, because including one or more hyperlinks in the graphical toolbar was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 32: Vijayan, Patel, Hegde, and Katinsky disclose a method as in Claim 30 above, and Katinsky further discloses the graphical toolbar includes one or more graphical buttons (column 8, lines 1-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include one or more graphical buttons in the graphical toolbar in Vijayan because including one or more graphical buttons in the graphical toolbar was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 35: Vijayan, Patel, and Hedge disclose a method as in Claim 34 above, but the references do not explicitly disclose the first phase includes a toolbar, the toolbar including one or more graphical buttons enabling a user of the single multiphase

interactive advertisement to interact with one or more features of the single multiphase interactive advertisement. Katinsky discloses a similar system that further discloses a graphical interface including a toolbar which enables user to access additional information (column 8, lines 1-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a toolbar including one or more graphical buttons enabling a user of the multiphase interactive advertisement to interact with one or more features of the multiphase interactive advertisement in Vijayan, because including a toolbar including one or more graphical buttons enabling a user of the multiphase interactive advertisement to interact with one or more features of the multiphase interactive advertisement was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 36: Vijayan, Patel, Hedge, and Katinsky disclose a method as in Claim 35 above, and Katinsky further discloses interaction with one of the graphical buttons provides further information about the subject of the multiphase interactive advertisement (column 8, lines 1-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide further information about the subject of the multiphase interactive advertisement after interacting with one of the graphical buttons in Vijayan because providing further information about the subject of the multiphase interactive advertisement after interacting with one of the graphical buttons was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 37: Vijayan, Patel, Hedge, and Katinsky disclose a method as in Claim 35 above, and Katinsky further discloses interaction with one of the graphical buttons triggers a second phase (column 8, lines 10-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to trigger a second phase with an interaction with one of the graphical buttons in Vijayan, because triggering a second phase with an interaction with a graphical button was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 38: Vijayan, Patel, Hedge, and Katinsky disclose a method as in Claim 35 above, and Katinsky further discloses the action facilitates the user to purchase a product (CD) or service that is the subject of the multiphase interactive advertisement (column 7, lines 31-35). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to allow the action to facilitate the user to purchase a product or service that is the subject of the multiphase interactive advertisement in Vijayan, because facilitating a user to purchase a product or a service was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 41: Vijayan, Patel, Hedge, and Katinsky disclose a method as in Claim 35 above, and Katinsky further discloses a second phase is triggered by mouse clicking on a graphical button of the first graphical interface of the first phase (column 8, lines 1-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to trigger the second phase by a mouse clicking on a graphical

button of the first graphical interface of the first phase in Vijayan, because using a mouse click on a graphical button to trigger a second phase was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 42: Vijayan, Patel, Hedge, and Katinsky disclose a method as in Claim 35 above, and Katinsky further discloses a second phase is triggered by mouse clicking a hyperlink on the first graphical interface of the first phase (column 8, lines 1-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to trigger the second phase by a mouse clicking on a hyperlink on the first graphical interface of the first phase in Vijayan, because using a mouse click on a hyperlink to trigger a second phase was recognized as part of the ordinary capabilities of one skilled in the art.

6. Claim 43 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Vijayan et al. (US 6,535,888) in view of Cantrell (US 2002/0103698), further in view of Patel et al. (US 2004/0103024) and further in view of Hegde (2002/0129089).

Claim 43: Vijayan discloses a single multiphase interactive advertisement comprising a first phase of the single multiphase interactive advertisement that is incorporated into a web page, in the first phase a vector based graphical animation runs in the multiphase interactive advertisement's graphical interface upon launch of the web page, the graphical interface having a first dimension in the first phase (figure 7C; column 9, lines

43-62). Vijayan discloses a site preview contains vector graphics upon loading of a web page. Vijayan further discloses a second phase (Figure 7D), but does not explicitly disclose the second phase is launched upon completion of the vector based graphical animation of the first phase. Cantrell discloses a similar system for a multiphase interactive advertisement that further discloses displaying a banner ad comprising a plurality of scenes including a loading scene, a catalogue menu scene, and an optional hover scene, wherein the loading scene is the first scene that is displayed while the banner ad is being loaded (paragraphs 42-44). The catalogue menu scene would be displayed subsequently when the banner ad has finished loading. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to launch a second phase upon completion of vector based graphics in Vijayan, for the purpose of providing a rich media presentation. Vijayan does not explicitly disclose dimension information defining the dimensions. Vijayan does not explicitly disclose the multiphase advertisement comprises dimension information. Patel discloses a similar method that further discloses banner ads are defined by dimension information (paragraphs 409-412). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include dimension information in a multiphase advertisement in Vijiayan. One would have been motivated to include dimension information in order to render banner ad content in a browser. Cantrell further discloses a second phase including a toolbar for permitting a user to interact with the second phase of the multiphase interactive advertisement (Figure 2B). Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to include a toolbar in Vijayan, for the purpose of providing the user control of displayed content.

Vijayan modified by Cantrell and Patel discloses a third phase defined by dimension information. Cantrell discloses a third banner scene (paragraphs 42-44), and Patel discloses banner ads are defined by dimension information (paragraphs 409-412). However, the references do not explicitly disclose the third phase includes a streaming media component incorporated into the streaming media component space of the third phase so that the streaming media component is made available to play streaming media content in the third phase of the single multiphase interactive advertisement's graphical interface. Hegde discloses a similar method that further discloses playing rich media presentations within a banner ad (paragraph 113). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a streaming media component in Vijayan, for the purpose of providing rich media presentations. Though the references do not explicitly disclose the second dimension is smaller than the first dimension, and the third dimension is larger than the second dimension, it would have been obvious to a skilled artisan to adjust the size of a graphical advertisement based on design choice.

Vijayan discloses triggering a second phase with an action performed on the first phase (column 9, lines 43-62), and it would have been obvious to one having ordinary skill in the art at the time the invention was made to trigger a third phase by performing an action on a second phase. The technique of including a link to content about the

subject of the multiphase advertisement was recognized as part of the ordinary capabilities of one skilled in the art at the time the invention was made.

7. Claim 44 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Vijayan et al. (US 6,535,888) in view of Cantrell (US 20020103698), and further in view of Patel et al. (US 2004/0103024).

Claim 44: Vijayan discloses a single multiphase interactive advertisement comprising a first phase of the single multiphase interactive advertisement that is incorporated into a web page, in the first phase a vector based graphical animation runs in the multiphase interactive advertisement's graphical interface upon launch of the web page, the graphical interface having a first dimension in the first phase (figure 7C; column 9, lines 43-62). Vijayan discloses a site preview contains vector graphics upon loading of a web page. Vijayan further discloses a second phase (Figure 7D), but does not explicitly disclose the second phase is launched upon completion of the vector based graphical animation of the first phase. Cantrell discloses a similar system for a multiphase interactive advertisement that further discloses displaying a banner ad comprising a plurality of scenes including a loading scent, a catalogue menu scene, and an optional hover scene, wherein the loading scene is the first scene that is displayed while the banner ad is being loaded (paragraphs 42-44). The catalogue menu scene would be displayed subsequently when the banner ad has finished loading. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was

made to launch a second phase upon completion of vector based graphics in Vijayan, for the purpose of providing a rich media presentation. Vijayan does not explicitly disclose dimension information defining the dimensions. Vijayan does not explicitly disclose the multiphase advertisement comprises dimension information. Patel discloses a similar method that further discloses banner ads are defined by dimension information (paragraphs 409-412). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include dimension information in a multiphase advertisement in Vijayan. One would have been motivated to include dimension information in order to render banner ad content in a browser. Cantrell further discloses a second phase including a toolbar for permitting a user to interact with the second phase of the multiphase interactive advertisement (Figure 2B). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a toolbar in Vijayan, for the purpose of providing the user control of displayed content.

Vijayan modified by Cantrell and Patel discloses a third phase defined by dimension information. Cantrell discloses a third banner scene (paragraphs 42-44), and Patel discloses banner ads are defined by dimension information (paragraphs 409-412). However, the references do not explicitly disclose the third phase includes a streaming media component incorporated into the streaming media component space of the third phase so that the streaming media component is made available to play streaming media content in the third phase of the single multiphase interactive advertisement's graphical interface. Though the references do not explicitly disclose the second

dimension is smaller than the first dimension, and the third dimension is larger than the second dimension, it would have been obvious to a skilled artisan to adjust the size of a graphical advertisement based on design choice.

Vijayan discloses triggering a second phase with an action performed on the first phase (column 9, lines 43-62), and it would have been obvious to one having ordinary skill in the art at the time the invention was made to trigger a third phase by performing an action on a second phase. The technique of including a link to content about the subject of the multiphase advertisement was recognized as part of the ordinary capabilities of one skilled in the art at the time the invention was made.

8. Claim 45 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Vijayan et al. (US 6,535,888) in view of Cantrell (US 20020103698), further in view of Patel et al. (US 2004/0103024) and further in view of Hegde (2002/0129089).

Claim 45: Vijayan, Cantrell, and Patel disclose a single multiphase advertisement, and Vijayan discloses support for rich media formats, such as vector graphics or video, in creating site previews (column 5, lines 54-67), However, the references do not explicitly disclose the third phase includes a streaming media component incorporated into the streaming media component space of the third phase so that the streaming media component is made available to play streaming media content in the third phase of the single multiphase interactive advertisement's graphical interface. Hegde discloses a similar method that further discloses playing rich media presentations within a banner

ad (paragraph 113). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a streaming media component in Vijayan, for the purpose of providing rich media presentations.

Response to Arguments

9. Applicant's arguments filed 7/29/2010 have been fully considered but they are not persuasive.

Regarding Independent Claim 1: Applicant argues, "Applicant respectfully submits that Patel's dimensions are for a single phase banner. Patel does not teach or suggest one of its banners containing dimension information for different phases of a multiphase advertisement. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Patel is relied upon to teach that banner advertisements are defined by dimension information, as required by Claim 1. It is obvious that dimension information would define a banner advertisement, in order to render content at a desired size. Vijayan provides a multiphase advertisement, and it would have been obvious to one having ordinary skill in the art having the teaching of Patel to render the banner advertisement based on dimension information.

Applicant argues, "Unlike Fullerton's use of a Quicktime media engine to display audio and video data, independent claim 1 recites building a streaming media

component using a software player engine in accordance with a predefined design of the multiphase advertisement's graphical interface. Fullerton does not teach or suggest building a streaming media component in accordance with a predefined design of a multiphase advertisement's graphical interface." The Examiner respectfully disagrees. Fullerton's controls and variables are predefined, rendering it obvious to provide a predefined design of a streaming media component. The controls include predefined elements such as CMovieWnd, which is the interface (window/controls) for the movie itself. Hegde discloses playing rich media presentations within a banner ad (paragraph 113). It is obvious that the design of the rich media presentations within a banner ad is predefined.

Applicant argues, "Hegde does not disclose incorporating a streaming media component into a streaming media component space of a graphical interface in a second phase of a multiphase advertisement." The Examiner respectfully disagrees. Vijayan discloses support for rich media formats, such as vector graphics or video, in creating site previews. The advertisement disclosed by Vijayan is a multiphase advertisement, and it would have been obvious to one having ordinary skill in the art at the time the invention to include a streaming media component in any phase of Vijayan having the teaching of Hegde. Incorporating a streaming media component in a banner ad and webpage is taught by Hegde and it would have been obvious to a skilled artisan to incorporate a streaming media space in the phases taught by Vijayan.

Applicant argues, "none of the cited references teach or suggest a third phase of a multiphase advertisement that is triggered by an action performed on a second phase

of a multiphase advertisement." The Examiner respectfully disagrees. Cantrell discloses a hover scene (third phase) that is activated after moving a mouse cursor into a ticker phase (second phase).

Applicant argues, "None of the cited reference teach or suggest triggering a second phase of a multiphase advertisement by a mouse over or cursor over the first phase of the multiphase advertisement." The Examiner respectfully disagrees. Hegde discloses displaying a hover scene in response to a user passing a mouse through the banner ad space (paragraph 46).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMAR ABDUL-ALI whose telephone number is (571)270-1694. The examiner can normally be reached on Monday-Friday 10:30-7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boris Pesin can be reached on 571-272-4070. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/OMAR ABDUL-ALI/
Examiner, Art Unit 2172